

PROFESSIONAL LICENSURE[645]

Pre-Notice of Intended Action

Pursuant to the authority of Iowa Code sections 147.7, 147.76 and 157.14, the Board of Cosmetology Arts and Sciences hereby gives Notice of Intended Action to amend Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences”, Iowa Administrative Code.

These amendments update language to reflect Iowa Code. The amendments align posting requirements for schools and salons and updates curriculum requirements to include online coursework and allowable excused absences.

Any interested person may make written comments on the proposed amendments no later than February 13, 2017, addressed to Venus Vendoures Walsh, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail Venus.Vendoures-Walsh@idph.iowa.gov.

A waiver provision is not included in this rulemaking because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions in 645 Iowa Administrative Code Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code Chapters 147, 157, 272C.

The following amendment(s) are proposed.

ITEM 1. Amend rule 645—61.1(157) as follows:

645—61.1(157) Definitions. “*Salon license*” means an Iowa establishment licensed to provide cosmetology arts and sciences services to paying customers.

ITEM 2 Amend 645—61.2(157) as follows:

645—61.2(157) Salon licensing. No person shall operate a salon unless the owner has obtained a license issued by the board. A separate enclosed area inside a salon that is operated as an independent business for the purpose of providing cosmetology services shall be considered its own salon and shall not operate unless a salon license is obtained. To determine what defines an independent contractor versus an employee check with your state department of labor.

61.2(2) Each salon shall meet the requirements for sanitary conditions established in 645—Chapter 63 to be eligible for licensing. The salon ~~shall~~ may be inspected for compliance with sanitation rules within 12 months following the issuance of the salon license.

61.2(3) Business may commence at the salon following ~~receipt~~ activation of the license.

ITEM 3. Amend rule 645-61.2(6)(157) as follows:

61.2(6) A salon license is not transferable.

a. A change in ownership of a salon shall require the issuance of a new license. “Change in ownership” means any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership.

b. A salon cannot be sold if disciplinary actions are pending.

c. If a salon owner sells the salon, that owner must send the license certificate and a report of the sale to the board within 10 days of the date on which the sale is final. The owner of the salon on record shall retain responsibility for the salon until the notice of sale is received in the board office.

d. The board may request legal proof of the ownership transfer.

e. The owner shall notify the board in writing of a change of name or address within 30 days after the occurrence and, in addition, shall return the current certificate and pay the reissued certificate fee as specified in rule ~~645.62.1(147,157).~~ 645—5.5(147,157)

ITEM 4. Amend rule 645-61.3(157) as follows:

645—61.3(157) Salon license renewal.

61.3(1) The biennial license renewal period for a salon license shall begin on January 1 of every odd-numbered year and end on December 31 two years later.

61.3(2) A renewal of license ~~application~~ notice shall be electronically mailed to the owner of the salon at least 60 days prior to the expiration of the license. Failure to receive the renewal ~~application~~ notice shall not relieve the owner of the obligation to pay the biennial renewal fee on or before the renewal date.

61.3(3) A salon that is issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

61.3(4) The salon owner shall submit the completed application with the renewal fee to the board office before the license expiration date.

61.3(5) A salon shall be in full compliance with this chapter and 645—Chapter 63 to be eligible for renewal. When all requirements for license renewal are met, the salon shall be sent a license renewal card by regular mail.

61.3(6) If the renewal fee and renewal application are postmarked-received in the office after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

ITEM 5. Rescind rule 645-61.7(157) adopt as follows:

645—61.7(157) Licensure for schools of cosmetology arts and sciences.

61.7(1) An application for a school license shall be submitted 90 days prior to the anticipated

opening day of the school to the Board of Cosmetology Arts and Sciences, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to Board review the application shall include:

- a.* A complete plan of the physical facilities and an explanation detailing how the facilities will be utilized relative to classrooms, clinic space, and a mentoring program;
- b.* A list of the names of licensed instructors including the school director(s) for the proposed school if the instructors and school director(s) have been hired by the school at the time of application; and
- c.* Copies of the catalog, brochure, enrollment contract, student policies, and cancellation and refund policies that will be used by the school or distributed by the school to students and the public; and
- d.* Submit the school's course of study and curriculum which shall meet the course of study requirements outlined in rule 645—61.14(157)

61.7(2) Prior to the issuance of the school license, the school shall:

- a.* Submit a final list of licensed instructors and director(s) hired for the school. The number of instructors must meet the requirement outlined in Iowa Code section 157.8 with the exception of instructors for the mentoring program; and
- b.* Meet the requirements of this chapter and 645—Chapter 63 and pass the board's inspection of the facility.

61.7(3) The school owner shall be interviewed by the board during review of the application.

61.7(4) After all criteria have been met, the school license shall be granted for the location(s) identified in the school's application.

61.7(5) Instruction of students shall not begin until the school license is activated.

61.7(6) The school must provide proof of registration with the Iowa college student aid commission.

61.7(7) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records shall be maintained after two years only if the applicant submits a written request to the board.

61.7(8) Existing School License, New Location. A change of location shall require submission of an application for a new school license and payment of the license fee 90 days in advance of the anticipated date of opening. A change of address without a change of actual location shall not be construed as a new site.

61.7(9) Existing School License, New Name. The owner shall notify the board in writing of a change of name within 30 days after the occurrence and, in addition, shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

61.7(10) Existing School License, Change of Ownership. A school license is not transferable. A change in ownership of a school shall require the issuance of a new license. "Change in ownership" means any change of controlling interest in any corporation or any change of name of sole proprietorship or partnership.

- a.* A school cannot be sold if disciplinary actions are pending.

- b. The board may request legal proof of the ownership transfer.
- c. If a school owner sells the school, that owner must send the license certificate and a report of the sale to the board within 10 days of the date on which the sale is final. The owner of the school on record shall retain responsibility for the school until the new school owner has been issued an active school license.
- d. The new school owner shall follow all requirements as outlined in rule 645—61.7(157).

ITEM 6. Amend rule 645-61.8 (4)(157) as follows:

61.8(4) If the renewal fee and renewal application are ~~postmarked~~ received in the office after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

ITEM 7. Amend rule 645-61.9 (157) adopt as follows:

645—61.9(272C) Inactive school license.

61.9(1) If the renewal application and fee are not ~~postmarked~~ received in the office within 30 days after the license expiration date, the school license is inactive. To reactivate the school license, the reactivation application and fee shall be submitted to the board.

ITEM 8. Amend rule 645-61.10 (157) as follows:

645—61.10(157) Display requirements for schools.

61.10(1) Every school shall have a sign visible outside the entrance designating the place of business.

61.10(2) A school license and the current renewal card shall be posted ~~and visible to the public in the reception area at eye level~~ school's front entrance to provide the public a full unobstructed view of the license. Photo and electronic copies are not acceptable.

61.10(3) The ~~original-current~~ license ~~certificate, duplicate certificate, or reissued certificate renewal card~~ for each instructor working at the school shall be ~~visibly displayed~~ posted in the ~~reception~~ school's front entrance area to provide the public a full unobstructed view of the license. Photo and electronic copies are not acceptable.

ITEM 9. Rescind rule 645-61.12 (157) and adopt the following:

645—61.12(157) Physical requirements for schools of cosmetology arts and sciences. The school shall meet the following physical requirements:

61.12(1) The school premises shall have a minimum floor space of 3000 square feet

61.12(2) **Each school shall provide a minimum of 100 square feet per student.** When the enrollment in a school exceeds 30 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school.

61.12(3) Each licensed school offering a full cosmetology arts and sciences curriculum shall provide the following:

- a. At least one clinic area where the paying public will receive services. The clinic area shall be confined to the premises occupied by the school.
- b. A theory classroom(s) separate from the clinic area.
- c. A library shall be maintained for students consisting of textbooks, current trade publications and business management materials.
- d. A separate area shall be used as a dispensary. The dispensary shall be equipped with lavatory, shelves or drawers for storing chemicals, cleansing agents and sanitized articles, sterilization equipment and any other sanitation items required in 645—Chapter 63.
- e. Two restrooms shall be equipped with toilets, lavatories, soap and disposable paper towel dispensers.
- f. A laundry room shall be separated from the clinic area by a full wall or partition. Students may not lounge, eat, practice or study in the laundry room.
- g. A separate room shall be equipped for the practice of esthetics and electrology.
- h. An administrative office.

61.12(4) Each licensed school offering a single discipline cosmetology arts and sciences curriculum shall provide the same physical space as outlined in 61.12(3). Single discipline schools are exempt from 61.12(3) "g" if the board did not originally approve an electrology or esthetics course of study in the curriculum.

ITEM 10. Rescind rule 645-61.13 (157) and adopt the following:

645—61.13(157) Minimum equipment requirements. Each school of cosmetology arts and sciences shall have the following minimum equipment:

1. Workstations equipped with chair, workstation, closed drawer or container for sanitized articles, and mirror (maximum of two students per unit);
2. Treatment room(s) when offering electrology and/or esthetics.
3. One set of textbooks for each student and instructor;
4. Shampoo bowls located in the clinic area and readily accessible for students and clients if the school offers a curriculum course in cosmetology;
5. Audiovisual equipment available for each classroom;
6. Chair and table area for each student in the classroom; and
7. Labeled bottles and containers showing intended use of the contents.

ITEM 11. Amend rule 645-61.14(2) (157) as follows:

61.14(2) Curriculum requirements.

- a. Theory instruction shall be taught from a standard approved textbook, but may be supplemented by other related textbooks. Online coursework is allowed for theory instruction.
- b. Course subjects taught in the school curriculum, including skills and business

management, shall relate to the specific practice discipline.

c. Required hours for theory and applied practical hours do not have to be obtained from one school.

d. Core life sciences curriculum hours shall be transferable in their entirety from one practice discipline to another practice discipline. Online coursework is allowed for core life sciences instruction

e. Only hours from accredited or board-approved school programs will be accepted.

ITEM 12. Rescind rule 645-61.15 (157) and adopt the following:

645—61.15(157) Instructors. All instructors in a school of cosmetology arts and sciences shall be licensed by the department.

61.15(1) An instructor teaching a course in electrology, esthetics or nail technology shall also hold a license in that practice or hold a cosmetology license that shows proof of having completed training in those practices equivalent to that of a license holder in that practice.

61.15(2) An instructor teaching a course in microdermabrasion, chemical peels, IPLs and lasers shall be certified by the state of Iowa to provide each of the services, as set forth in rule 645—60.4(157).

61.15(3) A minimum of 2 instructors shall be employed on a full-time basis for up to 30 students and an additional instructor for each additional 15 students.

a. The number of instructors for each school of cosmetology arts and sciences shall be based upon total enrollment.

b. A student instructor shall not be used to meet licensed instructor-to-student ratios.

c. The school shall have 2 instructors on duty during school hours.

d. Area community colleges operating a school prior to September 1, 1982, with only 1 instructor per 15 students is not subject to this subrule and may continue to operate with the ratio of 1 instructor to 15 students. A student instructor shall not be used to meet licensed instructor-to-student ratios.

61.15(4) An instructor shall:

a. Be responsible for and in direct charge of all physical and virtual core and theory classrooms and practical classrooms and clinics at all times;

b. Familiarize students with the different standard supplies and equipment used in salons; and

c. Not perform cosmetology services, with or without compensation, on the school premises except for demonstration purposes.

ITEM 13. Rescind rule 645-61.18 (157) and adopt the following:

645—61.18(157) Attendance requirements. A school of cosmetology arts and sciences shall have a written, published attendance policy.

61.18(1) Schools shall ensure:

- a.* Students complete the hours required for each course of study set forth by rule 645—61.14(157).
- b.* Student attendance policies are applied uniformly and fairly for all physical and virtual classes.
- c.* Appropriate credit is given for all hours earned.
- d.* All retake tests and projects to be redone are to be completed without benefit of additional hours earned. Time scheduled for such work will be scheduled at the school's discretion.
- e.* Hours or credit is not added to the accumulative student record as an award, or deducted from the accumulative student record as a penalty.
- f.* Work that must be done for missed hours must be allowed. The student must be given full credit for hours earned without financial penalty or incurring additional fees.
- g.* Pursuant to the federal department of education and accrediting standards agency the school may implement an absence policy not to exceed 10% of required coursework for doctor's excuses, life events. In no way shall this policy create a penalty for the student nor excuse the student from the remaining 10% of required coursework.